

EXHIBIT 4

Geyer, Kate

From: Geyer, Kate
Sent: Wednesday, January 29, 2025 1:56 PM
To: Paige Stradley; Eric R. Chad; Eric W. Schweibenz; Donald McPhail; Shannon Maney
Cc: ValveKTSservice
Subject: RE: Valve v. Rothschild - letter regarding Defendants' proposed search terms

Paige –

While you say you will respond to Valve's letters "shortly," Defendants' continued delay and failure to provide discovery that has been requested—and that Defendants' promised—for months is not in good faith and continues to prejudice Valve's ability to prosecute its case. Defendants still:

1. Have not served supplemental responses to Valve's Interrogatory Nos. 1 and 2, despite Valve having raised this issue in October 2024 and Defendants promising to do so by November 8 (see Oct. 31, 2024 Email from D. Machleidt memorializing meet and confer);
2. Have not produced a single document despite Valve serving discovery in July 2024 and have refused to identify a date certain when it will do so; and
3. Have still not provided or even agreed to provide complete hit counts for the initial set of search terms on all ESI custodians.

Valve has already raised Defendants' repeated failures to abide by its commitments to provide discovery and pattern of missing deadlines set by the Court or Federal Rules. *See, e.g.*, Dec. 20, 2024 Ltr re Discovery Deficiencies at 1. Yet Defendants continue to engage in dilatory behavior.

Defendants' failure to promptly and reasonably engage in just *initial* ESI discovery is emblematic. Defendants have an obligation under the Section B.2.a.i. of Court's ESI Order to disclose a reasonable search methodology for searching for responsive documents. After Defendants served these ESI disclosures six (6) days late, Valve objected to Defendants' search terms as unreasonable. Instead of proposing revised terms itself, Defendants put the onus on Valve to come up with a set of search terms (see Oct. 8 email from D. McPhail) but refused for over a month to tell Valve what systems Defendants planned to use to search those emails (e.g., Relativity) and their search capabilities. On December 20, Valve finally had to move forward with proposing search terms without that information.

On December 30 and January 3, Defendants disclosed the search locations and certain limitations for only three of Defendants' five ESI custodians. Valve promptly investigated and on January 10, (1) proposed revisions to the majority of search terms consistent with the search capabilities of these systems, (2) confirmed agreement that Defendants could proceed with collecting and reviewing emails responsive to a number of search terms; and (3) pointed out Defendants' failure to provide information for two of Defendants' ESI custodians—including Leigh Rothschild, a named Defendant. Valve then followed up on January 22 with the final two revised search terms and requested an update on hit counts for the revised search terms, Defendants' remaining two ESI custodians, and a date certain for document production.

Defendants have not provided any of this information. There is simply no justification for Defendants' four-month delay to perform just its initial search for responsive ESI.

Defendants' delay not only prejudices Valve's ability to seek party discovery in this case but also inhibits third party discovery. Merchant & Gould, on behalf of numerous relevant third parties, is refusing to engage in third party discovery and has threatened to move to quash subpoenas until party discovery has substantially completed.

Please provide a time to meet and confer this week.

Kate Geyer

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Kilpatrick Townsend & Stockton LLP

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From: Paige Stradley <PStradley@MerchantGould.com>

Sent: Monday, January 27, 2025 8:13 AM

To: Geyer, Kate <KGeyer@ktslaw.com>; Eric R. Chad <EChad@merchantgould.com>; Eric W. Schweibenz <eschweibenz@merchantgould.com>; Donald McPhail <dmcphail@merchantgould.com>; Shannon Maney <SManey@MerchantGould.com>

Cc: ValveKTSservice <ValveKTSservice@kilpatricktownsend.com>

Subject: RE: Valve v. Rothschild - letter regarding Defendants' proposed search terms

****CAUTION: External Email****

Kate,

We will be providing a substantive response to Dario's letters shortly. We will also provide availability to meet and confer (to the extent still needed).

Thank you,

Paige

Paige Stradley

she/her/hers

Partner

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Operating as Merchant & Gould, LLP, in California.

Please consider the environment before printing this email. Thank you.

From: Geyer, Kate <KGeyer@ktslaw.com>

Sent: Wednesday, January 22, 2025 8:27 PM

To: Paige Stradley <PStradley@MerchantGould.com>; Eric R. Chad <EChad@merchantgould.com>; Eric W. Schweibenz <eschweibenz@merchantgould.com>; Donald McPhail <dmcphail@merchantgould.com>; Shannon Maney <SManey@MerchantGould.com>

Cc: ValveKTSservice <ValveKTSservice@kilpatricktownsend.com>

Subject: RE: Valve v. Rothschild - letter regarding Defendants' proposed search terms

CAUTION - External.

Counsel:

Please see the attached correspondence.

Kate Geyer

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From: Machleidt, Dario <dmachleidt@ktslaw.com>

Sent: Friday, January 10, 2025 4:11 PM

To: Paige Stradley <PStradley@MerchantGould.com>; Eric R. Chad <EChad@merchantgould.com>; Eric W. Schweibenz <eschweibenz@merchantgould.com>; Donald McPhail <dmcpfail@merchantgould.com>; Shannon Maney <SManey@MerchantGould.com>

Cc: Geyer, Kate <KGeyer@ktslaw.com>; Damitio, Chris <CDamitio@ktslaw.com>; Pearson, Stephanie <SDMPearson@ktslaw.com>

Subject: Valve v. Rothschild - letter regarding Defendants' proposed search terms

Counsel,

Please see the attached letter.

Sincerely,

Dario Machleidt

dmachleidt@ktslaw.com

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